

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the matter of the application of)
Innsbrook Utilities, L.L.C., for a certificate)
of convenience and necessity authorizing) Case No. _____
it to own, operate, control, manage,)
improve, and maintain a water and sewer)
system for the public, located in an)
incorporated area of Warren County,)
Missouri.)

APPLICATION

COMES NOW Innsbrook Utilities, L.L.C. (hereinafter "Innsbrook"), pursuant to Section 393.170 R.S.Mo., 4 CSR 240-2.060, 4 CSR 240-3.305, and 4 CSR 240-3.600 and, for its application for a certificate of convenience and necessity authorizing it to own, operate, control, manage, improve, and maintain a water and sewer system for the public in an incorporated area of Warren County, Missouri, states to the Missouri Public Service Commission (hereinafter "Commission") as follows:

1. Applicant is a Missouri limited liability duly organized and existing under the laws of the State of Missouri, with its principal office and place of business located at #1 Innsbrook Estates Drive, Innsbrook, Missouri 63390. It can be contacted as follows: contact person Charlie Boyce; telephone 636-928-3366; fax 636-745-3727; email Charlie.boyce@innsbrook-resort.com. A Certificate of Good Standing from the Missouri Secretary of State and its Certificate of Incorporation are attached to and incorporated into this Application (Exhibit A).

2. Correspondence, communications, orders and decisions regarding this matter should be addressed to:

Carl J. Lumley, #32869
Leland B. Curtis, #20550
Curtis, Heinz, Garrett & O'Keefe, PC
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3. By this Application, Applicant seeks a certificate of public convenience and necessity authorizing it to own, operate, control, manage, improve, and maintain a water and sewer system for the public in an incorporated area of Warren County, Missouri, as set forth on the map attached to and incorporated into this Application (Exhibit B) and as legally described by metes and bounds description attached to and incorporated into this Application (Exhibit C).

4. The proposed area of operation consists of the Village of Innsbrook. A certified copy of the requisite consent of the Village is attached to and incorporated into this Application (Exhibit D). The verified statement of the manager of the Applicant showing that it has obtained the required consent of the Village is also attached to and incorporated into this Application (Exhibit E).

5. There currently are approximately 570 persons residing full time in the proposed service area and approximately 4,000 recreational persons occasionally staying within the proposed service area. The names and addresses of no fewer than ten persons residing in the proposed service area are stated on the list attached to and incorporated into this Application (Exhibit F).

6. Applicant and its predecessors in interest have owned and operated the existing water and sewer systems on an unregulated basis in the Village of Innsbrook since 1971. It has provided service solely to the Innsbrook homeowners association as a single customer. It now seeks to convert to a public utility system serving each individual homeowner. There are currently 341 single family homes served by the water and sewer systems. There are also 200 chalets served by water

and sewer, and another 660 chalets served by water alone and using individual septic systems. Chalets can only be used for recreational purposes and cannot be used as a residence. Continued growth in the area is anticipated, which will necessitate improvements to the water and sewer systems.

7. A feasibility study containing a description of the company, the existing water and sewer systems, plans and specifications for anticipated improvements to the systems and estimated cost of construction during the first three (3) years; plans for financing; proposed rates and charges and an estimate of the number of customers, revenues and expenses during the first three (3) years of operation, will be submitted as a supplement to this Application (Exhibit G).

8. The Applicant has all relevant permit approvals with the Department of Natural Resources. A copy of such relevant permits is attached to and incorporated into this Application (Exhibit H).

9. A public need exists for continued adequate water and sewer service within the proposed area of operation and the public convenience and necessity will be promoted by the granting of the authority requested herein.

10. No annual report or assessment fees are overdue at the time of the submission of this Application.

11. Applicant does not have any pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which actions, judgments or decisions have occurred within three (3) years of the date of the filing of this Application.

12. The verification required by Commission Rule 4 CSR 240-2.060(1) is attached to and incorporated into this Application (Exhibit I).

13. Applicant will develop and submit formal tariffs for approval by the Commission.

WHEREFORE, Applicant respectfully requests that the Commission issue its order:

(a) Granting Applicant a certificate of convenience and necessity authorizing it to own, operate, control, manage, improve, and maintain a water and sewer utility system for the public in an incorporated area in Warren County, Missouri, as more particularly described in Exhibit B and Exhibit C; and

(b) Granting such other and further relief as the Commission deems appropriate in the premises.

Respectfully submitted,

CURTIS, HEINZ,
GARRETT & O'KEEFE, P.C.

/s/ Carl J. Lumley

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Certificate of Service

A true and correct copy of the foregoing was served upon the parties identified on the attached service list on this 13th day of July, 2007, by email and by placing same in the U.S. Mail, postage paid.

/s/ Carl J. Lumley

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